

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0260-AIR-E **TCEQ ID:** RN100219526 **CASE NO.:** 35379
RESPONDENT NAME: Texas Petrochemicals LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Texas Petrochemicals Houston Facility, 8600 Park Place Boulevard, Houston, Harris County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are eight additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1993-AIR-E, 2007-2045-AIR-E, 2008-0131-AIR-E, 2008-0331-AIR-E, 2008-0391-AIR-E, 2008-0498-AIR-E, 2008-0560-AIR-E, and 2008-0624-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 2, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768

TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Ms. Kristine Aparicio, Environmental Manager, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017

Ms. Marise Lada Textor, Senior Corporate Director, EH&S, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 1, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 8, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to prevent unauthorized emissions. Specifically, 89.07 pounds of 1,3-butadiene, were released when the Respondent failed to prevent the breakthrough of air contaminants from carbon canisters during a tanker truck loading operation from Tank 57, resulting in an emissions event which began on January 7, 2008, and lasted for one hour (Incident No. 102097). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$7,075</p> <p>Total Deferred: \$1,415 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,830</p> <p>Total Paid to General Revenue: \$2,830</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on February 4, 2008, the Respondent began to route emissions from the loading of trucks from Tank 57 to the flare gas recovery system instead of sending them to carbon canisters for removal.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): HG0562P

Attachment A
Docket Number: 2008-0260-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Petrochemicals LP
Payable Penalty Amount:	Five Thousand Six Hundred Sixty Dollars (\$5,660)
SEP Amount:	Two Thousand Eight Hundred Thirty Dollars (\$2,830)
Type of SEP:	Pre-approved
Third-Party Recipient:	Harris County Public Health and Environmental Services- Pollution Control Division's Fourier Transform Infra Red (FTIR) Project
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

This project includes the lease/contracting for services of air monitoring equipment, Fourier Transform Infra Red (FTIR) and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide significant and discernible environmental benefits to the Harris County area by providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, EPA, scientists, local government and industry to reduce emissions, as appropriate.

Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the

Texas Petrochemicals LP
Agreed Order – Attachment A

SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	11-Feb-2008	Screening	11-Feb-2008	EPA Due	
	PCW	12-Feb-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Petrochemicals LP		
Reg. Ent. Ref. No.	RN100219526		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35379	No. of Violations	1
Docket No.	2008-0260-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
		\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	208% Enhancement	Subtotals 2, 3, & 7	\$5,200
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Notes: Penalty enhancement due to 13 Notices of Violations ("NOVs") issued for the same or similar violations, seven NOVs issued for unrelated violations, four orders containing a denial of liability, and two orders without a denial of liability. Penalty reduction for one Notice of Audit letter submitted.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$625
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent completed the corrective actions on February 4, 2008.

Total EB Amounts	\$2	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$500	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,075
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$7,075
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$7,075
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DEFERRAL

20% Reduction	Adjustment	-\$1,415
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,660
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Screening Date 11-Feb-2008

Docket No. 2008-0260-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 35379

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 208%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to 13 Notices of Violations ("NOVs") issued for the same or similar violations, seven NOVs issued for unrelated violations, four orders containing a denial of liability, and two orders without a denial of liability. Penalty reduction for one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 208%

Screening Date 11-Feb-2008

Docket No. 2008-0260-AIR-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 35379

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100219526

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 46307, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 89.07 pounds of 1,3-butadiene were released when the Respondent failed to prevent the breakthrough of air contaminants from carbon canisters during a tanker truck loading operation from Tank 57, resulting in an emissions event which began on January 7, 2008, and lasted for one hour (Incident No. 102097). Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
		Major	Moderate	Minor	
					0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$7,075

This violation Final Assessed Penalty (adjusted for limits) \$7,075

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP

Case ID No. 35379

Reg. Ent. Reference No. RN100219526

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	7-Jan-2008	4-Feb-2008	0.1	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost of routing the emissions to the flare. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

Compliance History

Customer/Respondent/Owner-Operator:	CN600130322	Texas Petrochemicals LP	Classification: AVERAGE	Rating: 7.47
Regulated Entity:	RN100219526	TEXAS PETROCHEMICALS HOUSTON FACILITY	Classification: AVERAGE	Site Rating: 7.16
ID Number(s):				
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P	
	AIR OPERATING PERMITS	PERMIT	1598	
	AIR OPERATING PERMITS	PERMIT	2884	
	AIR NEW SOURCE PERMITS	PERMIT	83905	
	AIR NEW SOURCE PERMITS	PERMIT	1341A	
	AIR NEW SOURCE PERMITS	PERMIT	1766	
	AIR NEW SOURCE PERMITS	PERMIT	4136	
	AIR NEW SOURCE PERMITS	PERMIT	4238A	
	AIR NEW SOURCE PERMITS	PERMIT	10296	
	AIR NEW SOURCE PERMITS	PERMIT	10323A	
	AIR NEW SOURCE PERMITS	PERMIT	10352A	
	AIR NEW SOURCE PERMITS	PERMIT	10675A	
	AIR NEW SOURCE PERMITS	PERMIT	10840A	
	AIR NEW SOURCE PERMITS	PERMIT	11427A	
	AIR NEW SOURCE PERMITS	PERMIT	11801	
	AIR NEW SOURCE PERMITS	PERMIT	11801A	
	AIR NEW SOURCE PERMITS	PERMIT	13805A	
	AIR NEW SOURCE PERMITS	PERMIT	13806A	
	AIR NEW SOURCE PERMITS	PERMIT	15606	
	AIR NEW SOURCE PERMITS	PERMIT	16351	
	AIR NEW SOURCE PERMITS	PERMIT	19806	
	AIR NEW SOURCE PERMITS	PERMIT	22052	
	AIR NEW SOURCE PERMITS	PERMIT	24187	
	AIR NEW SOURCE PERMITS	PERMIT	28410	
	AIR NEW SOURCE PERMITS	PERMIT	37317	
	AIR NEW SOURCE PERMITS	PERMIT	40807	
	AIR NEW SOURCE PERMITS	PERMIT	43252	
	AIR NEW SOURCE PERMITS	PERMIT	43536	
	AIR NEW SOURCE PERMITS	PERMIT	44268	
	AIR NEW SOURCE PERMITS	PERMIT	44488	
	AIR NEW SOURCE PERMITS	PERMIT	44686	
	AIR NEW SOURCE PERMITS	PERMIT	44927	
	AIR NEW SOURCE PERMITS	PERMIT	46307	
	AIR NEW SOURCE PERMITS	PERMIT	46426	
	AIR NEW SOURCE PERMITS	PERMIT	46456	
	AIR NEW SOURCE PERMITS	PERMIT	47147	
	AIR NEW SOURCE PERMITS	PERMIT	47393	
	AIR NEW SOURCE PERMITS	PERMIT	48550	
	AIR NEW SOURCE PERMITS	PERMIT	49829	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100031	
	AIR NEW SOURCE PERMITS	REGISTRATION	71443	
	AIR NEW SOURCE PERMITS	REGISTRATION	71687	
	AIR NEW SOURCE PERMITS	PERMIT	50761	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX999	
	AIR NEW SOURCE PERMITS	REGISTRATION	77348	
	AIR NEW SOURCE PERMITS	REGISTRATION	77347	
	AIR NEW SOURCE PERMITS	REGISTRATION	77346	
	AIR NEW SOURCE PERMITS	REGISTRATION	77345	
	AIR NEW SOURCE PERMITS	REGISTRATION	77344	
	AIR NEW SOURCE PERMITS	REGISTRATION	77343	
	AIR NEW SOURCE PERMITS	REGISTRATION	78118	
	AIR NEW SOURCE PERMITS	REGISTRATION	79933	
	AIR NEW SOURCE PERMITS	REGISTRATION	79799	
	AIR NEW SOURCE PERMITS	REGISTRATION	80271	
	AIR NEW SOURCE PERMITS	REGISTRATION	80019	
	AIR NEW SOURCE PERMITS	REGISTRATION	79947	
	AIR NEW SOURCE PERMITS	REGISTRATION	80340	
	AIR NEW SOURCE PERMITS	REGISTRATION	80916	
	AIR NEW SOURCE PERMITS	REGISTRATION	80921	
	AIR NEW SOURCE PERMITS	REGISTRATION	81648	

AIR NEW SOURCE PERMITS	REGISTRATION	81669
AIR NEW SOURCE PERMITS	REGISTRATION	81662
AIR NEW SOURCE PERMITS	REGISTRATION	82280
AIR NEW SOURCE PERMITS	REGISTRATION	82797
AIR NEW SOURCE PERMITS	REGISTRATION	82963
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30417
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 13, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 11, 2003 to February 11, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: NHameed Phone: 713-767-3629

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Texas Petrochemicals LP
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/24/2004

ADMINORDER 2002-0609-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10 PERMIT

Description: Failure to properly cap or plug open ended lines as documented during an investigation conducted on October 17, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 23 valves during the monitoring period ending March 31, 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 2 repaired valves within 15 days.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10 PERMIT

Description: Failure to adhere to LDAR monitoring schedule for pumps.

Effective Date: 04/26/2007

ADMINORDER 2005-0257-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.532
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent the unauthorized emission of 1,366 lbs of butane, 2,053 lbs of butylene

isomers, 1,518 lbs of isobutylene, 5 lbs of methanol, 6 lbs of methyl tert-butyl ether, 12 lbs of pentane, and 12 lbs of propane to the atmosphere from the central gland water system during an avoidable emissions event on August 18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 2. PERMIT
Special Condition 3.E PERMIT

Description: Failed to equip and open-ended valve with a second valve, cap, blind flange, or plug.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 3.E PERMIT

Description: Failed to ensure that there were not screwed connections on lines greater than two inches in diameter.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.781(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 18 connections within one day after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 29 components within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 12 I. PERMIT

Description: Failed to repair 97 components within 15 days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 115, SubChapter H 115.782(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to repair 55 components within seven days after discovering a leak.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the emissions from the oily water sewer hubs which lead to the API Separator.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter H 116.814(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: General Provision 7.E. OP
 Special Condition 1.E (v) OP
 Special Condition No. 12.E PERMIT
 Description: Failure to equip five open-ended valves with a second valve, cap, blind flange or plug.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter H 116.814(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Special Condition No. 1.E.(v) OP
 Special Condition No. 12.E. OP
 Description: Failed to seal three open-ended valves with a second valve, cap, blind flange, or plug.
 Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Special Condition 7.B.(i). OP
 Description: Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Special Condition No. 1 PERMIT
 Description: Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Permit #46307, SC #1 PERMIT
 Description: Failure to prevent unauthorized emissions of 1,290 lbs of VOCs.
 Effective Date: 04/26/2007 ADMINORDER 2007-0073-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
 Description: Failure to prevent unauthorized emissions from Tank 851 during a cleaning process on September 14, 2006, resulting in an avoidable emissions event.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 101, SubChapter F 101.201(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to submit the initial notification within 24 hours and the final report within two weeks of the end of the September 14, 2006 emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
 Description: Operator inadvertently left a valve open resulting in unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT
 Description: Release of unauthorized emissions that exceeded a reportable quantity.
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: No. 46307, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 104 lbs of butane, 9,066 lbs of butene, 6 lbs of butylenes isomers, 1,560 lbs of isobutene, 910 lbs of isobutylene, 45 lbs of propane, 87 lbs of propylene from the 4D-4A-OH Line over a period of 3 hrs and 22 min during an emissions event that occurred on December 1, 2006.

Effective Date: 08/31/2007

ADMINORDER 2007-0365-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to prevent unauthorized emissions during a December 28, 2006 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions during a December 18, 2006 emissions event.

Effective Date: 01/12/2008

ADMINORDER 2007-1220-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Texas Petrochemicals is alleged to have failed to prevent unauthorized emissions during a June 25, 2007 emissions event, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX.

ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 28, 2007.

Effective Date: 01/28/2008

ADMINORDER 2007-1510-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions during an August 14, 2007 emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 14, 2007.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/19/2003	(21171)
2	03/13/2003	(25806)
3	03/13/2003	(26455)
4	04/21/2003	(27289)
5	05/20/2003	(29901)
6	06/18/2003	(36257)
7	07/09/2003	(98190)
8	07/15/2003	(114135)
9	07/21/2003	(114195)
10	08/08/2003	(40801)
11	08/11/2003	(130767)
12	08/26/2003	(149809)
13	08/28/2003	(152866)
14	10/17/2003	(249451)
15	10/30/2003	(152888)
16	11/18/2003	(249532)
17	01/02/2004	(254540)
18	01/08/2004	(258394)
19	01/15/2004	(255521)
20	01/23/2004	(258353)
21	01/28/2004	(256991)
22	01/28/2004	(257009)

23	02/10/2004	(255227)
24	02/10/2004	(256355)
25	04/12/2004	(260974)
26	04/20/2004	(255875)
27	05/26/2004	(262402)
28	06/10/2004	(270492)
29	06/15/2004	(270507)
30	07/09/2004	(270285)
31	07/13/2004	(268259)
32	07/26/2004	(277574)
33	07/29/2004	(279114)
34	07/30/2004	(278578)
35	08/11/2004	(288425)
36	08/11/2004	(288800)
37	08/18/2004	(276597)
38	08/30/2004	(282027)
39	08/31/2004	(291888)
40	08/31/2004	(285908)
41	10/08/2004	(335087)
42	10/11/2004	(333747)
43	10/18/2004	(336459)
44	10/18/2004	(336854)
45	10/19/2004	(335878)
46	10/26/2004	(291758)
47	11/02/2004	(339528)
48	11/11/2004	(289544)
49	11/11/2004	(292795)
50	11/22/2004	(339425)
51	12/13/2004	(339426)
52	12/16/2004	(293258)
53	01/05/2005	(345579)
54	01/21/2005	(342214)
55	02/03/2005	(349418)
56	02/18/2005	(345797)
57	04/07/2005	(347336)
58	04/07/2005	(347331)
59	04/18/2005	(374447)
60	04/19/2005	(377616)
61	05/05/2005	(373870)
62	05/10/2005	(380624)
63	05/13/2005	(373465)
64	05/31/2005	(376325)
65	06/06/2005	(378762)
66	07/07/2005	(394060)
67	08/08/2005	(394042)
68	08/11/2005	(374658)
69	08/23/2005	(404475)
70	08/23/2005	(402060)
71	08/24/2005	(402041)
72	08/24/2005	(333418)
73	08/26/2005	(401337)
74	08/29/2005	(404046)
75	08/29/2005	(405738)
76	08/31/2005	(418954)
77	08/31/2005	(402446)
78	09/27/2005	(405860)
79	02/23/2006	(455880)
80	02/25/2006	(456997)
81	02/27/2006	(457159)
82	02/28/2006	(457074)
83	03/13/2006	(450068)
84	03/13/2006	(450024)
85	03/13/2006	(450051)
86	04/04/2006	(458283)
87	04/04/2006	(458271)
88	04/04/2006	(461031)
89	04/28/2006	(458466)
90	05/30/2006	(480219)

91	05/30/2006	(480237)
92	05/30/2006	(480292)
93	05/30/2006	(480297)
94	05/30/2006	(480287)
95	05/30/2006	(480133)
96	05/30/2006	(471013)
97	05/30/2006	(480300)
98	05/30/2006	(480289)
99	05/30/2006	(459802)
100	05/30/2006	(480277)
101	05/30/2006	(480141)
102	05/30/2006	(480099)
103	05/30/2006	(480302)
104	05/30/2006	(480303)
105	05/30/2006	(480304)
106	05/30/2006	(480245)
107	05/30/2006	(480305)
108	05/30/2006	(480306)
109	05/30/2006	(480308)
110	05/30/2006	(480311)
111	05/30/2006	(480313)
112	05/30/2006	(480314)
113	05/30/2006	(480315)
114	05/30/2006	(480233)
115	05/30/2006	(480265)
116	05/30/2006	(478963)
117	05/30/2006	(480222)
118	05/30/2006	(480200)
119	05/30/2006	(480206)
120	05/30/2006	(480282)
121	05/30/2006	(477634)
122	05/30/2006	(480186)
123	05/31/2006	(480637)
124	05/31/2006	(480638)
125	05/31/2006	(480639)
126	05/31/2006	(480640)
127	05/31/2006	(480641)
128	05/31/2006	(480642)
129	05/31/2006	(480643)
130	05/31/2006	(480644)
131	05/31/2006	(480645)
132	05/31/2006	(480646)
133	05/31/2006	(480530)
134	05/31/2006	(480647)
135	05/31/2006	(480648)
136	05/31/2006	(480649)
137	05/31/2006	(480651)
138	05/31/2006	(480653)
139	05/31/2006	(480468)
140	05/31/2006	(480654)
141	05/31/2006	(480610)
142	05/31/2006	(480655)
143	05/31/2006	(480226)
144	05/31/2006	(480656)
145	05/31/2006	(480244)
146	05/31/2006	(480569)
147	05/31/2006	(480631)
148	05/31/2006	(480197)
149	05/31/2006	(480263)
150	05/31/2006	(480425)
151	05/31/2006	(480445)
152	05/31/2006	(480455)
153	05/31/2006	(480246)
154	05/31/2006	(480623)
155	05/31/2006	(480242)
156	05/31/2006	(480502)
157	05/31/2006	(480634)
158	05/31/2006	(480214)

159	05/31/2006	(480635)
160	05/31/2006	(480254)
161	05/31/2006	(480866)
162	05/31/2006	(480479)
163	07/21/2006	(481873)
164	07/21/2006	(481904)
165	07/21/2006	(481780)
166	07/27/2006	(459885)
167	08/08/2006	(462831)
168	08/28/2006	(488585)
169	08/28/2006	(488528)
170	08/28/2006	(488643)
171	08/31/2006	(488584)
172	10/30/2006	(487750)
173	11/17/2006	(518574)
174	12/05/2006	(532642)
175	12/21/2006	(534110)
176	12/21/2006	(534106)
177	01/04/2007	(534107)
178	02/01/2007	(533800)
179	02/07/2007	(539409)
180	03/02/2007	(538543)
181	03/09/2007	(542643)
182	03/20/2007	(542634)
183	03/30/2007	(512156)
184	04/25/2007	(557786)
185	05/08/2007	(542720)
186	05/09/2007	(538778)
187	07/06/2007	(566435)
188	07/26/2007	(567778)
189	08/20/2007	(572373)
190	08/24/2007	(573306)
191	09/07/2007	(593363)
192	09/11/2007	(594099)
193	09/14/2007	(593593)
194	09/28/2007	(593596)
195	10/09/2007	(596500)
196	10/11/2007	(567263)
197	10/16/2007	(596503)
198	11/02/2007	(598212)
199	11/19/2007	(598092)
200	11/27/2007	(568545)
201	12/04/2007	(567375)
202	12/07/2007	(568199)
203	12/11/2007	(597258)
204	12/27/2007	(609857)
205	01/02/2008	(599484)
206	01/04/2008	(594351)
207	01/07/2008	(600299)
208	01/08/2008	(532643)
209	01/09/2008	(611819)
210	01/11/2008	(612081)
211	01/18/2008	(614404)
212	02/05/2008	(617279)
213	02/08/2008	(616766)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2003 (60730)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.4

Description: Failure to control emissions of heavy oils (12 Carbons- 20 Carbons).

Date: 08/08/2003 (40801)

Self Report? NO

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to not cause, suffer, allow, or permit air contaminants in violation of commission rules.

Self Report? NO

Classification: Moderate

Citation:	5C THC Chapter 382, SubChapter A 382.085(b)	
Description:	Failure to be authorized by a commission rule and permitted air contaminants in violation of commission rules	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(7)	
Description:	Failure to meet the record keeping requirements that TPC submit the proper compound descriptive type of all individually listed compounds or mixtures of air contaminants.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)	
Description:	Failure to meet the record keeping requirements that TPC submit the proper authorized emissions limits for the facility involved in the final record.	
Date:	02/10/2004 (255227)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)	
Description:	Failure to maintain opacity of emissions within the allowable limit of 20% for a period of six minutes at Boiler Nos. 4 and 8.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PA TCEQ Air Permit 1341A	
Description:	Failure to comply with special provision No. 3 of TCEQ Air permit #1341A.	
Date:	05/26/2004 (262402)	
Self Report?	NO	Classification: Major
Citation:	30 TAC Chapter 106, SubChapter X 106.532(1)(O) 30 TAC Chapter 115, SubChapter B 115.137(a)(2)	
Rqmt Prov:	PA September 4, 2000	
Description:	Failure to adhere to permit conditions, such that the psia of 2.0 for the fuel oil in the wastewater treatment system exceeded the permitted and regulated limits.	
Date:	08/30/2004 (282027)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(4) 30 TAC Chapter 101, SubChapter F 101.201(b)(12)	
Description:	The company failed to submit additional information necessary to evaluate an emissions event when requested by the director or any air pollution control agency with jurisdiction, within the time frames established in the request as specified in 30 TAC 101.201(b)(12) and 30 TAC Chapter 101.201(a)(4).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1)	
Description:	The regulated entity is in violation of 30 TAC Chapter 115.112(a)(1) which states no person shall place, store, or hold in any stationary tank, reservoir, or other container any volatile organic compound (VOC) unless such container is capable of maintaining working pressure sufficient at all times.	
Date:	05/05/2005 (373870)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)	
Rqmt Prov:	PERMIT TCEQ Air Permit No. 46307, SC 9C	
Description:	Failure to control smoke from a flare resulting in an exceedance of the 5 minute time period in any two hours.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)	
Rqmt Prov:	PERMIT TCEQ Air Permit No. 46307 GC #7	
Description:	Failure to maintain information required to demonstrate compliance with the general condition number 7 of TCEQ Air Permit No. 46307.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter B 116.116(b)(1)	
Rqmt Prov:	PERMIT TCEQ Air Permit No. 46307 SC 1	
Description:	Failure to adhere to permit representations and conditions, such that the changes resulted in a change in the method of control, the character and the emission rate of air contaminants.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)	

Description: Failure to submit the final record for an emissions event
Date: 06/06/2005 (378762)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.
Date: 08/08/2005 (394042)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)
Description: Failure to submit information by the due date.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.
Date: 08/26/2005 (401337)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP Permit 46307 SC 8B
Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(2)(E)(I)
30 TAC Chapter 116, SubChapter H 116.814(a)
Rqmt Prov: PERMIT TCEQ VERP 46307 GC 7
PERMIT TCEQ VERP 46307 SC 8B
Description: Failed to document "Zero Air Check", "Stabilization Time" and "Water Blank Check" as required by Manual Appendix P.
Date: 03/13/2006 (450024)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO emissions when the RATA was conducted for the NOx and O2 CEMS.
Date: 03/13/2006 (450051)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO when the RATA was conducted for the NOx and O2 CEMS.
Date: 03/13/2006 (450068)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(2)(B)
Description: Failed to monitor CO emissions when the RATA was conducted for the NOx and O2 analyzers.
Date: 07/31/2006 (459885)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(I)(I)
Description: RE failed to submit stack test reports on time.
Date: 08/29/2006 (466376)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b) for failure to control emissions.
Date: 08/31/2006 (488584)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01598, SC 1A
Description: Failure to plug open ended lines.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	OP O-01598, SC 1		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to plug open-ended lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.206(i) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598, SC 1A		
Description:	Failure to document presence and frequency of drips and to the sensor that indicates failure of the seal system for the 23 pumps.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(e)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01598		
Description:	Failure to conduct daily inspection on the Number 5 compressor seal system		

sensor, which did not have an alarm system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, 1A

Description: Failure repair leaking connector within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to monitor 18 pumps.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598

Description: Failure to provide 30-day refilling notice to the IFR tank T-73.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to repair a leaking fugitive valve that is HRVOC service within 7 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01598, SC 1A

Description: Failure to conduct first attempt repair on a leaking valve in HRVOC service within one day.

Date: 11/17/2006 (518574)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(B)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(C)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: The facility was unable to document any refusal of state or local agencies to enter into arrangements to provide emergency response.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)(1)

Description: NOR Unit 009-Tank: This unit has been removed. No notification regarding the removal of this tank, has been provided.

Unit 019 Tank: This unit has been converted from hazardous waste use to product use. The unit should go through the closure process.

Date: 12/21/2006 (534110)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1

Description: Release of unauthorized emissions that exceeded a reportable quantity.

Date: 12/21/2006 (534106)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Permit No. 46307, Special Condition No.1

Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Date: 08/21/2007 (572373)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:	PERMIT Permit No. 46307, Special Condition No.1	
Description:	Failure to demonstrate an affirmative defense.	
Date:	01/08/2008 (532643)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 46307, Special Condition No. 12(E) OP O-01598, Special Terms & Cond. No. 1(A) OP O-01598, Special Terms & Cond. No. 19	
Description:	Failure to seal 166 open-ended lines in VOC/HRVOC service and 92 open-ended lines in HAP service or a total of 258 open-ended lines during October 7, 2005 through October 7, 2006 reporting period.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 46307, Special Condition No. 1 OP O-01598, Special Terms & Cond. No. 19	
Description:	Failure to prevent the emissions from cooling towers CT-1, CT-10, and CT-14 from exceeding the VOC rolling 12-month permit limit from October 7, 2005 through October 6, 2006.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	PERMIT 46307, Special Condition No. 1 OP O-01598, Special Terms & Cond. No. 19	
Description:	Failure to prevent the hourly emissions from cooling tower CT-1 and CT-14 from exceeding the VOC emission rate limit in the VERP Permit No. 46307 MAER table.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.726(c)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01598, Special T & C No. 1(E)(ii)	
Description:	Failure of the continuous monitoring system to maintain adequate records on PRV 2063 and PVR 2071.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov:	OP O-01598, Special T & C No. 1(E)(ii)	
Description:	Failure to conduct the 2006 first quarter inspection of the transmitter associated with pressure relief valve No. 2071 and 2006 second quarter inspection of the transmitter associated with pressure relief valve Nos. 2166, 23, 818, and 819.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085	
Rqmt Prov:	PERMIT 46307, Special Condition No. 7 OP O-01598, Special Terms & Cond. 19	
Description:	Failure to prevent tanks T-155 and T-85 from exceeding VERP Permit No. 46307 annual (on a rolling 12-month period) throughput limit.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	OP O-01598 Special Terms & Cond. No. 1(A)	
Description:	Failure to notify the EPA prior to the refilling of tanks T-74 and T-73, which is a violation of 40 CFR 63.120(a)(5).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)	

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP O-01598, Special Terms & Cond. No. 1(A)
Description: Failure to maintain the hatch on the internal floating roof of tank T-74 closed at all times.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to repair two (2) leaking valves (tag nos. 1200081 & 1260261) within seven (7) calendar days after the leaks were found.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 46307, Special Condition No. 11(B)
OP O-01598, Special Terms & Cond. No. 19

Description: Failure to perform daily zero and span on the CEMS for the process heater 1B-901, boiler B-905, and stationary turbine 1G-901T.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 46307, Special Condition No. 8(A)
OP O-01598, Special Terms & Cond. No. 19

Description: Failure to perform multipoint calibration when cooling towers CT-14, CT-3, and CT-1 drifted by more than 10 percent.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 46307, Special Condition No. 8(A)
OP O-01598, Special Terms & Cond. No. 19

Description: Failure to manually collect and analyze three cooling tower samples during the calendar week that cooling tower CT-3 analyzer drifted by more than 10 percent.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 46307, Special Condition No. 8(A)
OP O-01598, Special Terms & Cond. No. 19

Description: Failure to calibrate the temperature probe on CT-1, CT-10, CT-14, CT-3, and CT-7 analyzers during the first half of 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 46307, Special Condition No. 1
OP O-01598, Special Terms & Cond. No. 19

Description: Failure to prevent VOC emissions from cooling towers CT-1 and CT-14 from exceeding the VOC emission rate limit in the VERP Permit No. 46307, MAER table.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 46307, Special Condition No. 9
OP O-01598, Special Terms & Cond. No. 1(A)
OP O-01598, Special Terms & Cond. No. 19

Description: Failure to combust gas with a net heating value equal to or above 11.2 MJ/scm during four 5-minute periods.

Self Report? NO Classification: Minor

Citation:	30 TAC Chapter 115, SubChapter H 115.781(b)(8) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	OP O-01598, Special Terms & Cond. 1(E)(v)	
Description:	Failure to quarterly monitor the pressure relieve valves associated with group GRP - FUG1/FUG2/FUG3.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	OP O-01598, Special Terms & Cond. No. 1(A)	
Description:	Failure to monitor four pumps in HAP service and one pump in VOC service on a monthly basis.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	OP O-01598, Special Terms & Cond. No. 1(A)	
Description:	Failure to repair leaking valve within 15 days of leak discovery.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 115, SubChapter H 115.781(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	OP O-01598	
Description:	Failure to monitor two valves (Tag Nos. 668956 and 673684) on a quarterly basis.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	OP O-01598, Special Terms & Cond. No. 1(A)	
Description:	Failure to perform the 10-year inspection on tanks T-71, T-114, and T-115.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	
Rqmt Prov:	PERMIT 46307, Special Condition No. 6(E) OP O-01598, Special Terms & Cond. No. 19	
Description:	Failure to maintain operation without visible liquid leaks or spills at all loading/unloading facilities. The regulated entity reported that oil was seeping out from the bottom of tank T-84 from November 14, 2005 through April 6, 2006 and from April 8, 2006 through October 6, 2006.	

F. Environmental audits.

Notice of Intent Date: 05/11/2006 (467603)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS PETROCHEMICALS LP
RN100219526**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0260-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 13, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Seventy-Five Dollars (\$7,075) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred Thirty Dollars (\$2,830) of the administrative penalty and One Thousand Four Hundred Fifteen Dollars (\$1,415) is deferred

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand Eight Hundred Thirty Dollars (\$2,830) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on February 4, 2008, the Respondent began to route emissions from the loading of trucks from Tank 57 to the flare gas recovery system instead of sending them to carbon canisters for removal.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 46307, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 1, 2008. Specifically, 89.07 pounds of 1,3-butadiene, were released when the Respondent failed to prevent the breakthrough of air contaminants from carbon canisters during a tanker truck loading operation from Tank 57, resulting in an emissions event which began on January 7, 2008, and lasted for one hour (Incident No. 102097). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LP, Docket No. 2008-0260-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Eight Hundred Thirty Dollars (\$2,830) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

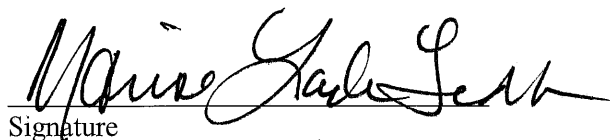
5/11/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

13 March 2008
Date

Marise Lada Textor
Name (Printed or typed)
Authorized Representative of
Texas Petrochemicals LP

Sr Corp Director, EHSS
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

13 March 2002

Dr. C. J. Smith, (610)

Dr. C. J. Smith

Dr. C. J. Smith

Attachment A
Docket Number: 2008-0260-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Petrochemicals LP
Payable Penalty Amount:	Five Thousand Six Hundred Sixty Dollars (\$5,660)
SEP Amount:	Two Thousand Eight Hundred Thirty Dollars (\$2,830)
Type of SEP:	Pre-approved
Third-Party Recipient:	Harris County Public Health and Environmental Services- Pollution Control Division's Fourier Transform Infra Red (FTIR) Project
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

This project includes the lease/contracting for services of air monitoring equipment, Fourier Transform Infra Red (FTIR) and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide significant and discernible environmental benefits to the Harris County area by providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, EPA, scientists, local government and industry to reduce emissions, as appropriate.

Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the

Texas Petrochemicals LP
Agreed Order – Attachment A

SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

